

**ATTORNEY DOCKET NO. 02157.0029U1
VIA EFS WEB
PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
 MOORE et al.) Art Unit: 3744
)
 Application No. 10/579,123) Examiner: Norman, Marc E.
)
 Filing Date: October 16, 2006) Confirmation No.: 6665
)
 For: DOMESTIC HEAT AND)
 POWER SYSTEM)

ELECTION UNDER RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Ballard Spahr LLP
Customer Number 23859

June 16, 2010

Sir:

This communication is responsive to the Office Action mailed May 21, 2010.

The Examiner has restricted the application and has required an election of one of the following:

Group I. Claims 1-14, 16, 18-28, 31-33 and 42-44;

Group II. Claim 15;

Group III. Claims 17, 40 and 46-61;

Group IV. Claims 34 and 35;

Group V. Claims 36, 37 and 39; and

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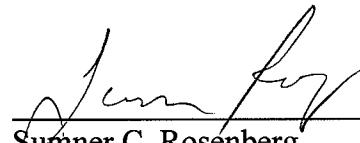
Group VI. Claim 40.

Applicants provisionally elect Group I, and, accordingly, provisionally elect claims 1-14, 16, 18-28, 31-33 and 42-44.

However, Applicants traverse the election requirement insofar as claim 15 is identified as a separate invention from the claims of Group I. Applicants believe that claim 15 (which has been identified as Group II) is part of the same invention as the claims of Group I. In particular, claim 15 also relates to the use of an energy scheduler, programmer module and DCHP unit controller. Moreover, the specific functions of these features as defined in claim 15 are the same as those defined in claim 1. Therefore, Applicants respectfully request reconsideration of the Restriction requirement as it pertains to separation of claim 15 from the other claims in Group I.

No fee is believed due; however, the Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



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